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OFFICE OF PETITIONS

In re Application of :
Buenz et al. :
Application No. 10/647,487 :
Filed: April 30, 2003 : ON PETITION
Attorney Docket Number: :
21220.04136 (GR202AS050) :

This is a decision on the Petition to Withdraw Holding of Abandonment, filed April 17, 2006. The petition is properly treated under 37 CFR 1.181.

The petition is **granted.**

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed May 4, 2005. The Office action set a three (3) month period for reply, and provided for extensions of time under 37 CFR 1.136(a). No reply having been received, the application became abandoned on August 5, 2005. A Notice of Abandonment was mailed on March 27, 2006.

Applicant's Assertion

Applicant asserts that a timely reply to the non-final Office action was timely filed on August 4, 2005.


A review of Application file reveals that an Amendment was received in the Office and placed in that application on August 4, 2005. The same Amendment has been re-filed in this petition. Moreover, this Office mailed an Office action in response to the August 4, 2005 Amendment on April 20, 2006.

In view of the foregoing, the holding of abandonment is hereby withdrawn.

No fee has been charged and none is due.

The application file is being referred to Technology Center Art Unit 2636 to await Applicant's response to the final office action, mailed April 20, 2006, and for continued processing in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3232.

A handwritten signature in cursive script, appearing to read "Derek Woods".

Derek L. Woods

Attorney

Office of Petitions